

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTY KERKMAN,

Defendant.

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8:08CR178

ORDER

This matter is before the court on the motion for an extension of time by defendant Marty Kerkman (Kerkman) (Filing No. 15). Kerkman seeks an additional thirty days in which to file pretrial motions in accordance with the progression order (Filing No. 9). Kerkman has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

Defendant Kerkman's motion for an extension of time (Filing No. 15) is granted. Kerkman is given until **on or before July 25, 2008**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 24, 2008 and July 25, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of June, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge